Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200550611
Date: January 5, 2006
Comments Due: February 6, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and the Utah Division of Water Quality are evaluating a permit application to modify the permit issued for the Promontory Golf Course, which would result in permanent impacts to an additional 2,676 linear feet (0.76 acre) of waters of the United States, including wetlands, in or adjacent to the Three Mile Canyon Drainage. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Brad K. Cosby
Pivotal Promontory Development, l.L.C.
6531 North Landmark Drive
Park City, Utah 84098-5951
Telephone: 435-658-2234

LOCATION: The project site is located in Sections 13, 24 and 25, Township 1 South, Range 4 East, approximately 6 miles northeast of Park City in Summit County, Utah, and can be seen on the Park City East USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The purpose of this application is to request modification to plans approved under Permit No. 199950539 issued in October 2004. This permit authorized the construction of an 18-hole links-style golf course within the Three Mile Canyon Drainage, including the relocation and reconstruction of 9,024 linear feet (2.43 acres) of ephemeral channel and the filling of 0.06 acre of palustrine emergent wetland. Under the proposed modifications, the scope of these impacts would not change. Only the design parameters and layout of channel relocations, pond construction, and wetland enhancements would change.

The purposes of the proposed modifications are to:

- Modify the ephemeral channel design so as to improve playability of the golf course. The plan to relocate a channel composed of native bed material would increase the difficulty of the course as it would create excessive water hazards early in the game.
- Increase the number of irrigation ponds in order to provide additional flood attenuation capacity and to minimize the transport of sediment from the project site.
- Increase the number of wetland enhancement areas within the golf course to improve aquatic and wetland habitat.
- Modify the design of Pond 3's outlet in order to comply with Dam Safety requirements of the Utah Division of Water Rights.

The previously authorized construction activities included a combination of valley fill and hillside cuts, where appropriate, to allow minimum fairway widths and to minimize environmental impacts to the adjacent landscape. Fill in the valley bottom consists of native material obtained from the construction of roads and house pads from Phase I of the Promontory Resort Project. Only the front nine of the golf course contains jurisdictional waters. The existing permit authorized the relocation of 9,024 linear feet (2.43 acres) of ephemeral stream channels and required the creation of 0.12 acre of palustrine emergent wetlands in order to mitigate the loss of 0.06 acre of filled wetland. The project has a 2 to 3-year construction schedule. Work began in Summer 2005 and is expected to be substantially completed by the end of the 2006 construction season.

At the close of the 2005 construction season, temporary channels had been constructed along the length of the planned channel relocation in order to transmit snowmelt runoff in the spring of 2006. These ephemeral channels will flow for an approximately 1-month period during the snowmelt runoff and are dry the remainder of the year. The channel relocations were constructed according to the cross-sectional specifications authorized by the existing permit, which vary with channel gradient in order to convey the required volume of flow (see attached cross-sections). The channel bed is composed of native fill material composed of boulders, cobbles, and gravel greater than 0.5 inch. Banks are armored with native boulder and cobble where appropriate. Erosion and sediment control measures include a series of straw bale and cobble check dams spaced approximately every 200 feet along the entire length of the relocated channel. Each check dam has a small detention structure located in the channel immediately upstream from the dam in order to aid in retaining mobilized sediment.

Proposed modifications to the permit include the following:

Ephemeral channel design: The original design included construction of an ephemeral channel with bed and banks composed of native cobbles, boulders, and gravel for the entire length of the channel relocation. The modification proposes construction of 0.72 acre (2,676 linear feet) of grassed channel along holes 1 and 2 (see attached map and details). Grassed channel depths would range from 18 to 48 inches, while bankfull widths would range from 18 to 30 feet. A native channel constitutes a water hazard in the rules of golf regardless of whether it contains flow during the golf season and amounts to excessive hazards early in the game along holes 1 and 2. A grassed channel would be playable and would not constitute a golf hazard. The segment of grassed channel would be deed restricted to ensure it would continue to convey surface flow for the Three Mile Canyon drainage in perpetuity. The proposed grassed channel would lie on a relatively low gradient segment of the valley and, as such, would not present the risks of soil erosion that would occur if it were extended along the entire length of the drainage. Thus, the proposed modification represents the minimum amount of grassed channel needed to sufficiently improve the playability of the golf course.

Irrigation pond design and placement: The original design called for the construction of a pond at the beginning of hole 1, a second smaller pond at the beginning of hole 2, and a single large terminal detention pond just downstream from the confluence of Three Mile Canyon and its unnamed tributary. The proposed modification would retain Pond 1 as originally designed, would construct a wetland enhancement area where Pond 2 had been planned, would build a new Pond 3 downstream from hole 2, and would redesign the large terminal detention pond such that it would contain five smaller ponds at the confluence of the two drainages just upstream from the existing dry stock pond. Each of these ponds would help to attenuate snowmelt runoff floods during the early spring and transmit irrigation water for recirculation during the golf season (see attached longitudinal profiles and maps). The ponds would also serve to trap sediment and prevent its transport from the project site. The redesigned ponds would also improve habitat values for wildlife.

Pond 1 lies just downstream from the back nine and, as such, would help to slow water velocities before flow enters the proposed grassed channel segment. Pond 3 lies just downstream from the proposed segment of grassed channel and would trap any sediment eroded from its bed and banks during high

flows. The proposed Ponds 4a-e would act as a series of detention ponds at the downstream limit of the golf course (see attached maps and longitudinal profiles). Pond 4f is an existing stock pond and will be the most distant downstream pond. Rather than the previously planned single pond at the downstream end of the course, the series of 6 ponds would represent a substantial reduction in the risk of downstream flooding and sedimentation provided the ponds did not fail in series. The minimum design standards required by Dam Safety officials (Utah Division of Water Rights) will minimize the potential for failure. Utah Dam Safety has approved the designs of all of the ponds. As designed, the shorelines of ponds #4a-e would be revegetated with native willows to resemble beaver ponds. The new design would improve wildlife habitat potential. Additionally, these ponds would be located outside the playable area of the golf course and, therefore, would have minimal wildlife disturbances.

Pond 3 spillway: The original plan called for native bed material to be used in the stream channels at all pond outlets. The proposed modification would install a concrete-lined spillway with embedded boulders that would have cobble and gravel filling interstitial spaces. The spillway is needed to address Utah Dam Safety concerns. The underlying concrete layer would prevent spillway failure during high flow events. This structure has been built per the approval of Utah Dam Safety to protect the integrity of the pond outlet from erosion during the 2006 spring runoff.

Wetland enhancement areas: The original design called for the construction of 0.12 acre of wetland adjacent to Pond 1 to serve as mitigation for the replacement of 0.06 acre of wetland impact. The proposed modification would involve the construction of 9 wetland enhancement areas, totaling 1.89 acres in size, in addition to the 0.12 acre required for mitigation. The wetland enhancement areas would be revegetated with native wetland species. These areas would provide increased beneficial habitat, aid with flood attenuation and provide water quality buffering. Each wetland enhancement area would contain relocated native channel and would function as palustrine emergent wetland. The wetland enhancement areas lie in both of the front nine drainages (see attached map).

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 11,912 linear feet (2.37 acres) of ephemeral channel and 0.31 acre of rush-dominated, seasonally flooded, palustrine, emergent wetlands within the proposed project area. The project area is a former cattle ranch operation and is characterized as narrow, mid-elevation valleys (6,500 feet) with sporadically vegetated ephemeral channels bisecting steep slopes rising to approximately 7,000 feet. The dominant vegetation of the valleys and hillsides is sagebrush and upland grasses.

Alternatives. The applicant has provided information concerning project alternatives.

Ephemeral channel design:

- Line the length of relocated channel along holes 1 and 2 with smooth surface concrete to allow the channel to remain playable. However, this approach would increase flow velocities and, therefore, substantially increase erosion potential in downstream segments.

- Construct a grassed channel over the entire length of the channel relocation to remove golf hazards over the entire course. This approach would deviate from the goal of presenting the golf course in a natural setting wherever possible and it would likely lead to high rates of erosion along the steeper channel segments.

- Install a drain system consisting of buried pipelines and culverts to collect all runoff flowing through holes 1 and 2. However, this would be cost-prohibitive and fail to meet the need to maintain the ephemeral surface flows in the drainage, so as not to result in a net loss of channel length.

Irrigation pond design and placement: The original alternative was to construct a single pond at the downstream end of the golf course. Both the Three Mile Canyon drainage and the unnamed tributary drainage would then flow into this pond. This alternative would not have the same flood attenuation and sediment retention potential as the multiple ponds and would have less wildlife habitat potential.

Pond 3 spillway:

- An alternative spillway design would be to construct it with unconsolidated boulder and cobble. For this approach to be acceptable to Dam Safety, the armoring material would have to be of exceptionally large size and depth in order to prevent the risk of being undercut. This approach would likely require substantial excavation to construct a dam abutment anchored into native rock and would be cost-prohibitive.

- A second alternative would be to construct a smooth concrete spillway. While acceptable in terms of safety and cost, this alternative would potentially deliver higher velocities and erosive flow to the downstream channel segments causing channel instability as well as detract from the channel's aesthetic benefits.

Wetland enhancement areas: An alternative for establishing wetlands within the project area would be to construct only the wetland mitigation site that is required under the existing permit. Such an approach would not have the benefits of increased flood attenuation and sediment retention and wildlife habitat potential. The applicant has determined that 9 additional wetland enhancement areas is the optimal number, given the topographical constraints of the project area.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to construct 1.89 acres of wetland enhancement areas in addition to the 0.12 acre of previously required wetland mitigation. The proposed grassed channel would meander through the golf course, and would flow into Pond 3 at its downstream end to capture sediment in the event of sod erosion. A deed restriction would be recorded to guarantee that the grassed channel be maintained as a conveyance of surface flow in perpetuity.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, **on or before February 6, 2006.**

Additionally, application has been made to Summit County for a Low Impact Permit.

HISTORIC PROPERTIES: Based on the available information, cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200550611, must be submitted to the office listed below **on or before February 6, 2006**:

Jason Gipson, Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: *jason.a.gipson@usace.army.mil*

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Jason Gipson, 801-295-8380, ext. 22, email *jason.a.gipson@usace.army.mil*.

Attachments: 22 drawings